

(2) waives the governmental immunity provided by law for a municipality.

(b) A municipality that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal.

Sec. 214.2105. EXCLUSION OF CERTAIN ALARM SYSTEMS BY OWNER. (a) A property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the municipality from receiving an alarm signal by an alarm system located on the owner's property. A municipality may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made under this section.

(b) If an election is made under Subsection (a), the municipality:

(1) may not impose a fee to obtain a permit to use the alarm system;

(2) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and

(3) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

SECTION 4. With respect to a municipality subject to Subchapter F–1, Chapter 214, Local Government Code, as added by this Act, that on the effective date of this Act is a party to a contract with a third party to provide alarm system services, the changes in law made by this Act apply beginning after the date the contract, including any renewals, is terminated or expires by the contract's own terms. During the period a contract described by this section is effective, the municipality described by this section is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 120, Nays 19, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2162 on May 31, 2015: Yeas 124, Nays 20, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2015: Yeas 27, Nays 4.

Approved June 18, 2015.

Effective September 1, 2015.

**STATE BOARD FOR EDUCATOR CERTIFICATION,
EDUCATOR PREPARATION PROGRAMS, EDUCATOR
CERTIFICATION, ISSUANCE OF CERTAIN TEACHING
PERMITS, AND CERTAIN PROCEDURES FOR
INVESTIGATING EDUCATOR MISCONDUCT**

CHAPTER 931

H.B. No. 2205

AN ACT

relating to the State Board for Educator Certification, educator preparation programs, educator certification, issuance of certain teaching permits, and certain procedures for investigating educator misconduct.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 21.033(a), Education Code, is amended to read as follows:

(a) The State Board for Educator Certification is composed of 15 [14] members. The commissioner of education shall appoint an employee of the agency to represent the commissioner as a nonvoting member. The commissioner of higher education shall appoint

an employee of the Texas Higher Education Coordinating Board to represent the commissioner as a nonvoting member. The governor shall appoint *two nonvoting members*. *The governor shall appoint a dean of a college of education in this state as one of the [a] nonvoting members [member]. The governor shall appoint a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education as one of the nonvoting members.*

The remaining 11 members are appointed by the governor with the advice and consent of the senate, as follows:

- (1) four members must be teachers employed in public schools;
- (2) two members must be public school administrators;
- (3) one member must be a public school counselor; and
- (4) four members must be citizens, three of whom are not and have not, in the five years preceding appointment, been employed by a public school district or by an educator preparation program in an institution of higher education and one of whom is not and has not been employed by a public school district or by an educator preparation program in an institution of higher education.

SECTION 2. Section 21.035, Education Code, is amended to read as follows:

Sec. 21.035. *DELEGATION AUTHORITY; ADMINISTRATION BY AGENCY.*
(a) The board is permitted to make a written delegation of authority to the commissioner or the agency to informally dispose of a contested case involving educator certification.

(b) The agency [Texas Education Agency] shall provide the board's administrative functions and services.

SECTION 3. Section 21.044(b), Education Code, is amended to read as follows:

(b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the *training required to obtain that certificate* ~~[curriculum for that degree]~~, instruction in detection and education of students with dyslexia. ~~[This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.]~~

SECTION 4. Section 21.0441, Education Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Rules of the board proposed under this subchapter must provide that a person, other than a person seeking career and technology education certification, is not eligible for admission to an educator preparation program, including an alternative educator preparation program, unless the person:

(1) except as provided by Subsection (b), satisfies *the following* minimum grade point average requirements ~~[prescribed by the board, not to exceed the following]~~:

(A) an overall grade point average of at least 2.50 ~~[2.75]~~ on a four-point scale or the equivalent on any course work previously attempted at a public or private institution of higher education; or

(B) a grade point average of at least 2.50 ~~[2.75]~~ on a four-point scale or the equivalent for the last 60 semester credit hours attempted at a public or private institution of higher education; and

(2) if the person is seeking initial certification:

(A) has successfully completed at least:

(i) 15 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is seeking certification to teach mathematics or science at or above grade level seven; or

(ii) 12 semester credit hours in the subject-specific content area in which the person is seeking certification, if the person is not seeking certification to teach mathematics or science at or above grade level seven; or

(B) has achieved a satisfactory level of performance on a content certification ex-

amination, which may be a content certification examination administered by a vendor approved by the commissioner for purposes of administering such an examination for the year for which the person is applying for admission to the program.

(c) *The overall grade point average of each incoming class admitted by an educator preparation program, including an alternative educator preparation program, may not be less than 3.00 on a four-point scale or the equivalent or a higher overall grade point average prescribed by the board. In computing the overall grade point average of an incoming class for purposes of this subsection, a program may:*

(1) include the grade point average of each person in the incoming class based on all course work previously attempted by the person at a public or private institution of higher education; or

(2) include the grade point average of each person in the incoming class based only on the last 60 semester credit hours attempted by the person at a public or private institution of higher education.

(d) A person seeking career and technology education certification is not included in determining the overall grade point average of an incoming class under Subsection (c).

SECTION 5. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0443 to read as follows:

Sec. 21.0443. EDUCATOR PREPARATION PROGRAM APPROVAL AND RENEWAL. (a) *The board shall propose rules to establish standards to govern the approval or renewal of approval of:*

(1) educator preparation programs; and

(2) certification fields authorized to be offered by an educator preparation program.

(b) To be eligible for approval or renewal of approval, an educator preparation program must adequately prepare candidates for educator certification and meet the standards and requirements of the board.

(c) The board shall require that each educator preparation program be reviewed for renewal of approval at least every five years. The board shall adopt an evaluation process to be used in reviewing an educator preparation program for renewal of approval.

SECTION 6. Section 21.045, Education Code, is amended to read as follows:

Sec. 21.045. ACCOUNTABILITY SYSTEM FOR EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules *necessary to establish* ~~establishing~~ standards to govern the ~~approval and~~ continuing accountability of all educator preparation programs based on the following information that is disaggregated with respect to race, sex, and ethnicity:

(1) results of the certification examinations prescribed under Section 21.048(a);

(2) performance based on the appraisal system for beginning teachers adopted by the board;

(3) achievement, including improvement in achievement, of students taught by beginning teachers for the first three years following certification, to the extent practicable; ~~and~~

(4) compliance with board requirements regarding the frequency, duration, and quality of structural guidance and ongoing support provided by field supervisors to candidates completing student teaching, clinical teaching, or an internship; and

(5) results from a teacher satisfaction survey, developed by the board with stakeholder input, of new teachers performed at the end of the teacher's first year of teaching ~~beginning teachers during their first year in the classroom~~.

(b) Each educator preparation program shall submit data elements as required by the board for an annual performance report to ensure access and equity. At a minimum, the annual report must contain:

(1) the performance data from Subsection (a), other than the data required for purposes of Subsection (a)(3);

(2) *data related to the program's compliance with requirements for field supervision of candidates during their clinical teaching and internship experiences;*

(3) ~~[-and]~~ the following information, disaggregated by race, sex, and ethnicity:

(A) ~~[(1)]~~ the number of candidates who apply;

(B) ~~[(2)]~~ the number of candidates admitted;

(C) ~~[(3)]~~ the number of candidates retained;

(D) ~~[(4)]~~ the number of candidates completing the program;

(E) ~~[(5)]~~ the number of candidates employed *as beginning teachers under standard teaching certificates by not later than the first anniversary of [in the profession after] completing the program;*

(F) *the amount of time required by candidates employed as beginning teachers under probationary teaching certificates to be issued standard teaching certificates;*

(G) ~~[(6)]~~ the number of candidates retained in the profession; and

(H) ~~[(7)]~~ any other information required by federal law;

(4) *the ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship; and*

(5) *any other information necessary to enable the board to assess the effectiveness of the program on the basis of teacher retention and success criteria adopted by the board.*

(c) The board shall propose rules *necessary to establish* ~~[establishing]~~ performance standards for the Accountability System for Educator Preparation for accrediting educator preparation programs. At a minimum, performance standards must be based on Subsection (a). ~~[The board may propose rules establishing minimum standards for approval or renewal of approval of:~~

~~[(1) educator preparation programs; or~~

~~[(2) certification fields authorized to be offered by an educator preparation program.]~~

SECTION 7. Sections 21.0451(a), (c), and (d), Education Code, are amended to read as follows:

(a) The board shall propose rules *necessary* for the sanction of educator preparation programs that do not meet accountability standards *or comply with state law or rules* and shall *at least* annually review the accreditation status of each educator preparation program. The rules:

(1) shall provide for the assignment of the following accreditation statuses:

(A) not rated;

(B) accredited;

(C) accredited-warned;

(D) accredited-probation; and

(E) not accredited-revoked;

(2) may provide for the agency to take any necessary action, including one or more of the following actions:

(A) requiring the program to obtain technical assistance approved by the agency or board;

(B) requiring the program to obtain professional services under contract with another person;

(C) appointing a monitor to participate in and report to the board on the activities of the program; and

(D) if a program has been rated as accredited-probation under the Accountability System for Educator Preparation for a period of at least one year, revoking the approval of the program and ordering the program to be closed, provided that the

board or agency *has provided* ~~[must provide]~~ the opportunity for a *contested case* hearing ~~[before the effective date of the closure]~~; ~~[and]~~

(3) shall provide for the agency to revoke the approval of the program and order the program to be closed if the program has been rated as accredited-probation under the Accountability System for Educator Preparation for three consecutive years, provided that the board or agency *has provided* ~~[must provide]~~ the opportunity for a *contested case* hearing; and

(4) shall provide the board procedure for changing the accreditation status of a program that:

(A) does not meet the accreditation standards established under Section 21.045(a); or

(B) violates a board or agency regulation ~~[before the effective date of the closure]~~.

(c) A ~~[permissive]~~ revocation ~~[under Subsection (a)(2) or required revocation under Subsection (a)(3)]~~ must be effective for a period of at least two years. After two years, the program may seek renewed approval to prepare educators for state certification.

(d) The costs of technical assistance required under Subsection (a)(2)(A) or the costs associated with the appointment of a monitor under Subsection (a)(2)(C) shall be paid by the ~~[sponsor of the]~~ educator preparation program.

SECTION 8. Sections 21.0452(b), (c), and (d), Education Code, are amended to read as follows:

(b) The board shall make available at least the following information regarding each educator preparation program:

(1) the information specified in Sections 21.045(a) and (b);

(2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:

(A) average overall grade point average and average grade point average in specific subject areas; and

(B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

(3) the degree to which persons who complete the program are successful in obtaining teaching positions;

(4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:

(A) students with disabilities; and

(B) students of limited English proficiency, as defined by Section 29.052;

(5) the activities offered by the program that are designed to prepare teachers to:

(A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;

(6) *for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;*

(7) *the percentage of teachers employed under a standard teaching certificate within one year of completing the program;*

(8) the perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs;

(9) [(7)] the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom; ~~and~~

(10) [(8)] the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and

(11) the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.

(c) For purposes of Subsection (b)(9) [(b)(7)], the board shall require an educator preparation program to distribute an exit survey that a program participant must complete before the participant is eligible to receive a certificate under this subchapter.

(d) For purposes of Subsections (b)(9) [(b)(7)] and (10) [(8)], the board shall develop surveys for distribution to program participants and school principals.

SECTION 9. Subchapter B, Chapter 21, Education Code, is amended by adding Sections 21.0454 and 21.0455 to read as follows:

Sec. 21.0454. RISK FACTORS FOR EDUCATOR PREPARATION PROGRAMS; RISK-ASSESSMENT MODEL. (a) The board shall propose rules necessary to develop a set of risk factors to use in assessing the overall risk level of each educator preparation program. The set of risk factors must include:

(1) a history of the program's compliance with state law and board rules, standards, and procedures, with consideration given to:

(A) the seriousness of any violation of a rule, standard or procedure;

(B) whether the violation resulted in an action being taken against the program;

(C) whether the violation was promptly remedied by the program;

(D) the number of alleged violations; and

(E) any other matter considered to be appropriate in evaluating the program's compliance history; and

(2) whether the program meets the accountability standards under Section 21.045.

(b) The set of risk factors developed by the board may include whether an educator preparation program is accredited by other organizations.

(c) The board shall use the set of risk factors to guide the agency in conducting monitoring, inspections, and compliance audits of educator preparation programs, including evaluations associated with renewals under Section 21.0443.

Sec. 21.0455. COMPLAINTS REGARDING EDUCATOR PREPARATION PROGRAMS. (a) The board shall propose rules necessary to establish a process for a candidate for teacher certification to direct a complaint against an educator preparation program to the agency.

(b) The board by rule shall require an educator preparation program to notify candidates for teacher certification of the complaint process adopted under Subsection (a). The notice must include the name, mailing address, telephone number, and Internet website address of the agency for the purpose of directing complaints to the agency. The educator preparation program shall provide for that notification:

(1) on the Internet website of the educator preparation program, if the program maintains a website; and

(2) on a sign prominently displayed in program facilities.

(c) The board shall post the complaint process adopted under Subsection (a) on the agency's Internet website.

(d) The board has no authority to arbitrate or resolve contractual or commercial issues between an educator preparation program and a candidate for teacher certification.

SECTION 10. Section 21.048(a), Education Code, as amended by Chapters 1282

(H.B. 2012) and 1292 (H.B. 2318), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(a) The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The commissioner [~~board~~] shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the commissioner [~~board~~] shall require a satisfactory level of examination performance in each core subject covered by the examination.

SECTION 11. Section 21.048, Education Code, is amended by amending Subsections (a-1) and (c-1) and adding Subsection (a-2) to read as follows:

(a-1) The board may not require that more than 45 days elapse before a person may retake an examination. *A person may not retake an examination more than four times, unless the board waives the limitation for good cause as prescribed by the board.*

(a-2) *For purposes of the limitation imposed by Subsection (a-1) on the number of administrations of an examination, a person who initially took an examination before September 1, 2015, may retake the examination up to four times after that date, regardless of the number of times that the person attempted to perform satisfactorily on the examination before that date. This subsection expires September 1, 2018.*

(c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless[:

~~[(1)] the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057[; or~~

~~[(2) the educator has failed the examination more than five times].~~

SECTION 12. Section 21.055, Education Code, is amended by amending Subsection (b) and adding Subsection (d-1) to read as follows:

(b) To be eligible for a school district teaching permit under this section, a person must hold a baccalaureate degree. ~~[This subsection does not apply to a person who will teach only career and technology education.]~~

(d-1) *Subsections (b), (c), and (d) do not apply to a person who will teach only noncore academic career and technical education courses. A school district board of trustees may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent of the school district. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught. The superintendent of the school district shall certify to the board of trustees that a new employee has undergone a criminal background check and is capable of proper classroom management. A school district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board of trustees. A person may teach a career and technical education course immediately upon issuance of a permit under this subsection. Promptly after employing a person who qualifies under this subsection, the board of trustees shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.*

SECTION 13. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.062 to read as follows:

Sec. 21.062. ISSUANCE OF SUBPOENAS. (a) *During an investigation by the commissioner of an educator for an alleged incident of misconduct, the commissioner may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is located in this state.*

(b) *A subpoena may be served personally or by certified mail.*

(c) *If a person fails to comply with a subpoena, the commissioner, acting through the*

attorney general, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(d) All information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Except as provided by a protective order, and notwithstanding Subsection (d), all information and materials subpoenaed or compiled in connection with an investigation described by Subsection (a) may be used in a disciplinary proceeding against an educator based on an alleged incident of misconduct.

SECTION 14. As soon as practicable after the effective date of this Act, the governor shall appoint as a nonvoting member of the State Board for Educator Certification a person who has experience working for and knowledge of an alternative educator preparation program and who is not affiliated with an institution of higher education, as required by Section 21.033(a), Education Code, as amended by this Act.

SECTION 15. Not later than January 1, 2016, the State Board for Educator Certification shall develop criteria for evaluation of educator preparation programs based on teacher retention and success as required by Section 21.045(b)(5), Education Code, as added by this Act. The State Board for Educator Certification shall consult with the Texas Higher Education Coordinating Board and educator preparation programs in developing the criteria. The Texas Higher Education Coordinating Board shall participate and provide recommendations regarding the criteria.

SECTION 16. This Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 126, Nays 5, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 2205 on May 29, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 2205 on May 31, 2015: Yeas 125, Nays 16, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 2205 on May 31, 2015: Yeas 19, Nays 12.

Approved June 18, 2015.

Effective September 1, 2015.

TRANSFER OF THE OVERSIGHT OF THE TEXAS STATE CEMETERY TO THE STATE PRESERVATION BOARD AND TO THE CREATION OF THE STATE CEMETERY PRESERVATION TRUST FUND

CHAPTER 932

H.B. No. 2206

AN ACT

relating to the transfer of the oversight of the Texas State Cemetery to the State Preservation Board and to the creation of the State Cemetery preservation trust fund.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2165.007(b), Government Code, is amended to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to: